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Modification of
Secondary Treatment Requirements
for Discharges
to Marine Waters [301(h) Regulations]

**Proposed Rule** 

### Introduction

#### The 301(h) Waiver Program

- Created in the CWA Reauthorization of 1977. In the past 12 years, regulations have been revised three times.
- Issues waivers from secondary treatment requirements to publiclyowned treatment works which can meet specified criteria.
- Granted 49 301(h) waivers out of 208 original applications received prior to the December 29, 1982 deadline. Discharge permits must be renewed every five years.
- Overall status of the program:
  - 39 Active 301(h) Waivers
  - 82 Withdrawn/Did Not Reapply/No Longer Eligible (Trust Territories)
  - 13 Pending Final Decisions
  - 74 Denied Applications

Contact: Virginia Fox-Norse, (202) 475-7129

WMMn-3222-880114

## 301(h) Criteria

Required by law

To receive a 301(h) walver, a discharger must demonstrate compliance with the following environmental/pollution reduction oritoria:

Balanced Indigenous Population*	Maintenance and propagation of a balanced indigenous population of marine organisms, including shelifisheries, fish and wildlife
Recreation	Permit recreational activities.
State Standards	Meet State water quality standards protecting for the highest use
Monitoring Programs	Develop and implement a monitoring program which is adequate to demonstrate that the discharge will continue to meet the criteria
Pretreatment Program	Establish fully operating pretreatment program to control introduction of toxics from all industrial sources, not just categorical industries
Toxics Program	Toxics control program for non-industrial sources
Sufficient Dilution	Sufficient dilution, no significant re- entrainment of its discharge as dilution
No Additional Controls	No additional controls should be imposed on other sources of pollution, point and non-point, affecting the same ecosystems
Stressed Estuaries	Prohibits waiver for dischargers to stressed estuaries
Discharge Waivers	Allows waiver for discharger to stressed ocean waters only if applicant can demonstrate that its discharge does not contribute to, perpetuate or inhibit recovery from stressed conditions

## Highlights

#### Highlights of Proposed Rule

- Authority: These regulations are in response to 1987 amendments to the Clean Water Act.
- Previous Regulations: This proposed rule revises 40 CFR Part 125, Subpart G, which provides for modifications of secondary treatment requirements for discharges into marine waters by publicly owned treatment works (POTWs) that demonstrate compliance with 301(h) criteria.
- Primary Treatment Floor: A primary treatment floor is set at 30% removal of total suspended solids and biochemical oxygendemanding material. (10 POTWs will be affected by this provision.)
- Secondary Treatment Equivalency: Secondary toxics removal equivalency may be demonstrated by either:

Use of a secondary treatment pilot plant

- Development and implementation of local pretreatment limits. (11 POTWs will be affected.)
- Water Quality Criteria: State water quality criteria under Section 304(a)(1) must be met. In the absence of state criteria, EPA criteria must be met.
- Carcinogenic Water Quality Standard: Where no numerical State water quality standard for a particular carcinogenic pollutant exists, the applicant must comply with a value adopted by EPA or a value consistent with the State's value.
- Deadline. 301(h) waiver recipients must comply with this proposed rule within two years from promulgation or upon permit renewal, whichever is later.
- Public Hearing. A public hearing on proposed regulations will be held at the main auditorium of the EPA Education Center in Washington, DC on March 7, 1991 from 1:00 to 5:00 pm.

# Major Provisions of Proposed 301(h) Rule

Area	Description
Secondary Treatment Equivalency for Toxics	Applies only to municipal treatment facilities that service a population of 50,000 or greater.  Applicants must demonstrate that the facility will not discharge toxic pollutants into the ocean in concentrations greater than would be the case if the effluent had had secondary treatment.  Applicants can achieve secondary equivalency if they establish secondary pretreatment standards for toxic pollutants from all industrial dischargers.  Applicants can also achieve secondary equivalency by performing a treatment test on a side stream from its primary system discharge.
Primary Treatment Removal Requirements	<ul> <li>✓ Biochemical Oxygen Demand (BOD) and Total Suspended         Solids (TSS) must be reduced 30% from the levels entering the         treatment system.</li> <li>■ These requirements are intended to ensure that the system is         well designed and operated.</li> </ul>
Compilance With EPA Water Quality Criteria	Permittees are required to meet EPA's water quality criteria in addition to applicable State water quality standards.  Where a numerical State water quality standard for a particular toxic exists, the 301(h) applicant must comply with that value.  Where no numerical State water quality standard for a particular non-carcinogenic pollutant exists, the 301(h) applicant must comply with EPA's numerical water quality criterion value.  Where no numerical State water quality standard for a particular carcinogenic pollutant exists, the 301(h) applicant must comply with a value adopted by EPA. If EPA has not promulgated a standard, the applicant must comply with a value consistent with the State's value.
Other Revisions	<ul> <li>✓ Exempts applicants with tentative or final waiver approvals until permit renewal or within 2 years of promulgation of this rule, whichever is later (pertains to primary and secondary treatment requirements and compliance with water quality criteria).</li> <li>✓ Adds New York Bight Apex and stressed saline estuarine waters to the list of locations where less than secondary treatment is prohibited.</li> <li>✓ Limits the scope of monitoring to only that which is necessary to study the effects of the modified discharge.</li> </ul>
KEY	Required by law Proposed in regulations

# Who's Affected By Treatment Requirements?

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Name	State	Re- gion	Need to Upgrade Primary Treatment Facilities	Need to Comply With Secondary Treatment Equivalency
Applications in Final Approval	sciences or a financial section of the section of			Military Service and Service S
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Anchorage Haines	AK	X		
Ketchikan	AK	X	A CONTRACTOR CONTRACTO	Special destructions of the second se
Pelican	AK	X	Para resistante de la constante de la constant	
Petersburg	AK	X	de per a matematica de la descripción de la companya de la company	event and finite controllers also different and filter than definable filtration for the filter of the filter of the filtration of the filter of the filter of the filtration of the filter of the filtration of t
Skagway	AK	X	V	
Whittler	AK	X	60	
Wrangell	AK	X	V	
Goleta	CA	IX		V
Orange County	CA	IX_		
Rye	NH	I	W	
Applications Pending				
Honouliuli (Honolulu)	HI	IX		
Stonington	ME	1	To come canada escului escono	
Aguadilla	PR	I		
Arecibo	PR	II	Annual material and the second of the second	
Bayamon	PR	II		er en lige er en trois i traditionale en
Carolina	PR	П		and the second s
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Ponce	PR	II	And the second section of the sectio	
Charlotte Amalie (St. Thomas)	VI	I	The second section of the section of the section of the second section of the section of t	
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